relating to delays in the disposal of suits and execution applications, enhancement of the jurisdiction of Village Panchayat Courts in municipal areas, enhancement of the pecuniary jurisdiction of Munsiffs in small causes and original suits, and the grant of powers of revision to District Courts in small causes and criminal cases and vesting them with higher appellate powers than at present.

2. In regard to your request that the Additional District Magistrate's court be transferred from Padmanabhapuram to Nagercoil, I would refer you to the proceedings of the last Assembly—pages 107 and 108. The Member representing Padmanabhapuram in that session said :—" Rumour was there that the Additional District Magistrate's Court was also to be shifted to Nagercoil and, if this is true, Padmanabhapuram Fort will soon be deserted." To remove this apprehension, the Dewan then said that there was no such proposal before the Government. So you will see that if you want the court to be transferred to Nagercoil, there are others equally determined to have it at Padmanabhapuram itself. And it causes the least disturbance to leave the court where it is.

3. One of your suggestions is that more than one Munsiff's court should not be located at the same station. The view expressed by the High Court, I am sorry to say, differs from the view you hold. The High Court consider that it is more advantageous to locate more than one court at the same station than to establish other courts within a short distance of each other. You will readily understand that a few courts scattered about cause a good deal of inconvenience not only to the court-going public and to the practitioners of law but also to everybody concerned. It requires flitting from place to place ; it is better to have the courts concentrated at the same place. Your proposal would also involve additional expenditure under establishment.

4. In regard to your representation that proceedings in the law courts in Nanjinad be held in Tamil, there too the High Court do not think it at present expedient to make the change; and in that view the Government agree.

5. As regards the greater representation of Nanjinad Vellalas in the Judiciary, and the recruitment of Nanjinad Vellala vakils as Magistrates, I must say that every effort is being made to distribute the appointments fairly and evenly with due respect to the most important consideration of all—efficiency.

6. I may say that there is no distinction in the matter of recruitment to the service generally, of B. L. 's practising before the High Court and those practising before the District Courts at present.

7. Your suggestion regarding the appointment of Munsiff-Magistrates is a good suggestion which the Government will consider.

28. Traders and their difficulties.

MR. RAMASUBBU CHETTIYAR SIVATANU CHETTIYAR (*Member, Trading Classes, Nagercoil*) represented the following difficulties which the traders experienced in civil courts :—

(i) Where a shop-book or other account in current use was admitted in evidence in a suit, the courts did not return it to the party after making a copy of the entry relevant to the case as required by the rules. If such documents were not returned to the parties concerned, there was danger of the accounts being tampered with and of their being shown to others. Further, the courts ordered the production of all shop-books and accounts without specifying the entries relevant to the suit, so much so that the traders had to produce all their books.

(ii) Even though Nagercoil District Court had its Official Receiver, there was no insolvency case in which he had been able to pay the creditors any share of the moneys due to them. The Official Receiver, happening to be some retired officer or vakil, was not able to attend to the Receiver's duties in the midst of his own business. It was therefore suggested that Official Receivers might be recruited from among the unemployed B. L. 's, giving them better pay if found necessary.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEWAN'S REPLY: Mr. Sivatanu Chettiyar, it is not quite clear either to the High Court or to the Government, what particular inconveniences traders suffer from in the matter of production of books; for, the party producing a book before the courts is always allowed to take it away on promising to produce it on the next occasion. So, there should be no genuine ground for complaint in that respect.

2. In regard to the grievances of creditors in insolvency cases, the High Court have as yet had no information on the subject. This is in fact the first occasion on which the Government have heard of the existence of any grievance. But in view of what you say, enquiries will be made.

3. The present system of recruiting Official Receivers is working well and it is not proposed at the present moment to make any change in the system.

29. Civil Justice.

MR. KANAKKU SIVATANU PILLAI SUBRAHMANYA PILLAI (*Member, Kalkulam taluk, Group II*) prayed for the transfer of one of the Munsiff's courts at Padmanabhapuram to Eraniel. Out of the 16,000 cases filed at Padmanabhapuram during the last five years, as many as 9,000 cases were from the *pakuthies* comprised in the old Eraniel taluk. The high pressure of work in the Padmanabhapuram courts also led to unconscionable delays. A comparative study of the pendency of cases in the Padmanabhapuram courts would disclose the fact that the root cause of the delay was the necessity which the parties coming from great distances were put to, to apply for adjournments. The temporary additional Munsiff's court at Padmanabhapuram recently abolished had to be revived sooner or later. The Munsiff's court proposed to be transferred to Eraniel could be given jurisdiction over the *pakuthies* of Colachel, Manavalakurichi, Kadiapattanam, Talakulam, Eraniel, etc. He said that Eraniel was an important place and within easy access from all the *pakuthies* of the old Eraniel taluk. The old taluk cutcherry building would provide adequate accommodation for the Munsiff's court, and the proposed transfer would add considerably to the convenience of the litigant public and prevent delays and accumulation of arrears to a certain extent. The simultaneous extension of the jurisdiction of the Village Panchayat and the Bench Magistrate's courts at Padmanabhapuram to cover the *pakuthies* of Kalkulam, Tuckalai, Tiruvitankod and Eraniel would slightly relieve the congestion in the Padmanabhapuram Munsiff's court, besides giving the honorary court adequate work. Such extension of territorial jurisdiction had been advocated by several presidents of Village Panchayat Courts. The criminal jurisdiction over those *pakuthies* should appropriately be vested in a court at Padmanabhapuram rather than in the Second Class Magistrate at Eraniel.

The Member complained about the inordinate delay in the grant of copies of records in the Munsiff's courts at Padmanabhapuram. The hardship entailed was felt most keenly by clients coming from distant *pakuthies*. A temporary staff might be entertained if the delay was due to the insufficiency of the existing staff. The Laws Delays Committee, whose appointment was adumbrated in the Dewan's opening address, should provide a solution.

The Member pointed out that certain discretionary powers were vested in the civil courts to issue notices to judgment-debtors under Section 241 of the old *Civil Procedure Code* and Article 246 of the *Civil Courts' Guide*. Such notices were invariably issued only in respect of Government servants. This should be extended to cover the case of respectable non-officials holding honorary appointments under the Government. It often happened that unscrupulous judgment-creditors managed by misrepresentation to obtain warrants for arrest of debtors out of mere spite.

The Member stated that a number of *ex parte* decisions were passed by the courts in haste and owing to the vagaries of process-servers in serving summonses. The demand of security by the courts when *ex parte* decisions were sought to be set aside operated as a real hardship. Notices should be invariably issued to judgment-debtors in every case of *ex parte* decisions before warrants were ordered for their

LIBRARY ARCHIVES Kerala Legislative Assembly